

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MATTHEW DEAN PETTIGREW,

Petitioner,

v.

TYRONE OLIVER,

Respondent.

CIVIL ACTION NO.: 4:23-cv-347

ORDER

Before the Court is the Magistrate Judge's April 4, 2024 Report and Recommendation, (doc. 16), to which no objections have been filed. After a careful de novo review, the Court agrees with the Magistrate Judge's recommendation. The Court, therefore, **ADOPTS** the Report and Recommendation, (doc. 16), as its opinion. Respondent's Motion to Dismiss is **GRANTED**. (Doc. 10.) Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED, without prejudice**, as untimely. (Doc. 1.)

Applying the Certificate of Appealability (COA) standards, which are set forth in Brown v. United States, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); see Alexander v. Johnson, 211 F.3d 895, 898 (5th Cir. 2000) (approving *sua sponte* denial of COA before movant filed a notice of appeal). And, as there are no non-frivolous issues to raise on

appeal, an appeal would not be taken in good faith. Thus, *in forma pauperis* status on appeal is likewise **DENIED**. 28 U.S.C. § 1915(a)(3). The Clerk is **DIRECTED** to **CLOSE** this case.

SO ORDERED, this 13th day of May, 2024.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is fluid and cursive, with the first name "R" being large and prominent, followed by "Stan" and "Baker" in a more compact script.

R. STAN BAKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA